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Attorneys for Defendant State Farm

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

DAVID and SHELLEY  
MACAUSLAND,

Plaintiffs,

v.

STATE FARM AUTO INSURANCE  
COMPANY,

Defendant.

NOTICE OF REMOVAL

TO: David and Shelley MacAusland, Pro Se Plaintiffs, and Carbon County Clerk  
of District Court

Defendant State Farm Mutual Automobile Insurance Company (“State  
Farm”), improperly named in the state court action being removed as State Farm  
Auto Insurance Company, respectfully gives notice and shows the Court:

1. On February 6, 2018, an action was commenced against Defendant State Farm in the Montana Twenty-Second Judicial District Court, Carbon County, entitled *David and Shelley MacAusland v. State Farm Auto Insurance Company*, Cause No. DV 18-12. Service of process was made February 9, 2018, upon the Commissioner of Securities, Montana State Auditor, in conformity with the provisions of Montana Code Annotated § 33-1-603(1). The Commissioner thereafter sent the Summons and Complaint to the statutory agent for Defendant State Farm on February 12, 2018. This notice is therefore timely pursuant to 28 U.S.C. § 1446. Venue is proper in this division. L.R. 1.2(c)(1). Copies of the Civil Cover Sheet, Complaint, Summons and Commissioner's letter are attached hereto as Exhibits A, B, C and D. No further proceedings have been had in the action.

2. The Complaint on file herein states the amount of damages being sought by Plaintiffs exceeds the sum of Seventy Five Thousand and No/100 Dollars (\$75,000.00), exclusive of interest and costs.

3. At the time this action was commenced, Plaintiffs were and still are residents and citizen of Carbon County, State of Montana.

4. Defendant State Farm, at the time this action was commenced was and still is a corporation incorporated under the laws of the State of Illinois, with its principal place of business in Illinois, and was not and is not a citizen of the State

of Montana, wherein this action was brought.

5. The above-described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and is one which may be removed to this Court by the Defendant herein, pursuant to the provisions of 28 U.S.C. § 1441 in that it is a civil action wherein the matter in controversy exceeds the sum or value of Seventy Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states.

6. Pursuant to Federal Rule of Civil Procedure 81(c)(2)(C), Defendant will file its Answer to Plaintiffs' Complaint within 7 days after filing of Notice of Removal.

WHEREFORE, Defendant prays that the action now pending against it in the Montana Twenty-Second Judicial District Court, Carbon County, be removed therefrom to this Court.

DATED this 13th day of March, 2018.

/s/ Bradley J. Luck  
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Attorneys for Defendant State Farm

### CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2018, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>1-2</u>	Mail
_____	Overnight Delivery Service
_____	Fax (include fax number in address)
<u>2</u>	E-Mail (include email in address)

1. David and Shelley MacAusland  
10 Beaver Dam Rd.  
Roscoe, MT 59071  
*Pro Se Plaintiffs*
2. Clerk of Court  
Carbon County District Court  
P.O. Box 948  
Red Lodge, MT 59068  
rloyning@mt.gov

/s/ Bradley J. Luck  
Attorneys for Defendant State Farm